

Remarks

Claims 1-21 are pending in the current application. Claims 1 and 11 have been amended.

35 U.S.C. 112 Rejections

Claims 1-17 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 11 have been amended to overcome this rejection.

35 U.S.C. 102 Rejections

Claims 1-3, 6-12 and 14-21 have been rejected under 35 U.S.C. 102(b) as being anticipated by Isikoff, U.S. Pat. No. 5,748,084.

The Office Action fails to present a prima facie case of anticipation for Applicants' claims. “[F]or anticipation under 35 U.S.C. 102, the reference must teach *every aspect* of the claimed invention ...” MPEP 706.02 (emphasis added). “The identical invention must be shown in as complete detail as contained in the ... claim.” *Richardson v., Suzuki Motor Co.*, 868 F. 2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Isikoff simply fails to disclose every aspect of the claimed invention.

Applicant respectfully traverses these rejections because the cited references do not disclose or suggest every element of any claim, as the following analysis shows.

CLAIM 1

Regarding amended Claim 1, Isikoff at least fails to teach “wherein the second processor is capable of initiating the wireless communication independently of the first processor...wherein the input port is configured to supply data to the second processor for the wireless communication” as recited in Claim 1.

The Final Office Action dated June 2, 2005 asserts that Isikoff teaches that the cellular phone transceiver is activated by various voluntary (either the laptop user or a calling party) or automated applications to initiate communication (Isikoff column 3, lines 9-22) and the cellular phone transceiver and the second processor are part of the wireless subsystem, concludes that the wireless subsystem is capable of initiating the wireless communication independently of the first processor (the application subsystem). However, these various voluntary and automated applications all operate on the application subsystem (the first processor) and therefore the wireless subsystem (the second processor) does not initiate communication independently of the application subsystem (the first processor). “Outgoing calls from the beacon may be initiated by the user in a conventional manner through the user interface software, for example by entering an e-mail and clicking “SEND”, or they may be initiated in the high-level user interface software or the low-level security software automatically. When the microprocessor receives data from the computer to transmit, it determines the most appropriate method of transmission and initiates a call.” (See Isikoff, Col. 7, lines 16-25) The user interface software, high-level user interface software, and the low-level security software of Isikoff all operate on the computer (i.e., first processor) and thus Isikoff does not disclose “the second processor is capable of initiating the wireless communication independently of the first processor” as recited in Claim 1.

Accordingly, for at least the foregoing reasons, Isikoff fails to teach the limitations of Claim 1. The rejection of Claim 1 is thus unsupported, and must be withdrawn. Claims 2-10 depend from allowable Claim 1 and are allowable for at least this reason.

CLAIM 11

Regarding amended Claim 11, Isikoff at least fails to teach “wherein the wireless subsystem is configured to initiate a wireless communication with the data from the user independent of the application subsystem” that is coupled to both an application subsystem and a wireless subsystem as recited in Claim 11.

As illustrated above, Isikoff does not teach or suggest initiating a wireless communication with the data from the user independent of the application subsystem.

Accordingly, for at least the foregoing reasons, Isikoff fails to teach the limitations of Claim 11. The rejection of Claim 11 is thus unsupported, and must be withdrawn. Claims 12-17 depend from allowable Claim 11 and are allowable for at least this reason.

CLAIM 18

Regarding amended Claim 18, Isikoff at least fails to teach “providing other data to a wireless subsystem from the user through the input port to initiate a wireless communication independent of the application subsystem” as recited in Claim 18.

Isikoff discloses initiating another wireless communication: “The beacon...may broadcast a signal for tracking and recovery of the computer after a theft.” (See Isikoff, Abstract). However, Isikoff further describes this action: signals transmitted by the cellular transceiver are externally tracked to determine the location of the computer for recovery of the computer hardware.” (See Isikoff, Col. 9, lines 33-37) Isikoff does not describe the source of the signals transmitted by the cellular transceiver. However, during a theft situation, the source of the signals is unlikely to be the input port and thus Isikoff does not teach or suggest providing other data to a wireless subsystem from the user through the input port to initiate a wireless communication independent of the application subsystem as recited in Claim 18.

Accordingly, for at least the foregoing reasons, Isikoff fails to teach the limitations of Claim 18. The rejection of Claim 18 is thus unsupported, and must be withdrawn. Claims 19-21 depend from allowable Claim 18 and are allowable for at least this reason.

35 U.S.C. 103 Rejections

Claims 4-5 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Isikoff. Claims 4-5 depend from allowable Claim 1 and are allowable for at least this reason. Claim 13 depends from allowable Claim 18 and is allowable for at least this reason.

Conclusion

For the foregoing reasons, it is submitted that the application is in condition for allowance, and indication of allowance by the Examiner is respectfully requested. If the Examiner has any questions concerning this application, he or she is requested to telephone the undersigned at the telephone number shown below as soon as possible. If any fee insufficiency or overpayment is found, please charge any insufficiency or credit any overpayment to Deposit Account No. 02-2666.

Respectfully submitted,

Intel Corporation

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Rita M. Wisor
Reg. No. 41,382

Attorney Phone Number: (512) 732-3923

Correspondence Address: Blakely Sokoloff Taylor & Zafman, LLP
12400 Wilshire Blvd
Seventh Floor
Los Angeles, California 90025-1026